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6 Attorneys for Plaintiffs

7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**

9 JOHN ADENA, Deceased, by and through his Co-)
10 Successors in Interest, CIRCE ADENA and)
11 RICHARD ADENA; CIRCE ADENA, Individually,)
and RICHARD ADENA, Individually,)

12) Case No. 2:21-cv-00770-MCE-DMC
Plaintiffs,)

13 vs.)
14 SHASTA COUNTY, a public entity; SHASTA)
COUNTY SHERIFF-CORONER TOM BOSENKO,)
15 in his individual capacity; CAPTAIN DAVE KENT;)
SHASTA COUNTY JAIL DEPUTIES KIRK)
16 SCHRITTER, DEVIN HURTE, DEPUTY DIAZ,)
EMMANUAL ALCAZAR, ZACHARY)
17 JURKIEWICZ, JOSEPH GRADY, NATHANIAL)
NEVES, HECTOR CORTEZ; CALIFORNIA)
18 FORENSIC MEDICAL GROUP, INC., a California)
Corporation; WELLPATH MANAGEMENT, INC., a)
19 Delaware Corporation; WELLPATH LLC, a)
Delaware Limited Liability Company; TRACY)
20 LEWIS, L.M.F.T.; PAM JOHANSEN, L.C.S.W.;)
DANIEL DELLWO, P.A.; and DOES 1-20;)
21 individually, jointly and severally,)
22)
23)
24)
25)

Defendants.) **STIPULATION AND ORDER TO**
MODIFY PRETRIAL
SCHEDULING ORDER (ECF No.
34)

1 The parties hereby stipulate and agree to modify the Scheduling Order in this matter (ECF
2 No. 34), as follows:

3 1. This is a complicated wrongful death civil rights case involving Shasta County jail
4 personnel and Wellpath correctional health care personnel. The case involves seventeen named
5 Defendants represented by three separate law firms. The parties are represented by experienced
6 counsel who have worked together before on several cases, and counsel have worked cooperatively
7 throughout the litigation they have handled together.

8 2. By stipulation and order (doc. 37), Plaintiffs filed a First Amended Complaint
9 naming an additional medical corporation, California Forensic Medical Group, Inc. (CFMG).
10 Plaintiffs served that new defendant through their counsel, and the deadline for CFMG and the
11 remaining corporate and individual medical defendants to respond to the First Amended Complaint
12 is October 31, 2023.

14 3. Unfortunately, it appears that a great deal of jail video is unavailable, requiring more
15 time-consuming work to discover details of events happening over four weeks at the jail. Plaintiffs
16 and the County Defendants have engaged in extensive document discovery so far, and have deposed
17 Deputies Alcazar, Cortez, Edwards, Grady, Hurte, Jurkiewicz, Neves, Smith, Van Gerwen, as well
18 as Plaintiffs Richard Adena and Circe Adena. The parties still need to depose three more
19 previously-noticed deputies who are no longer employed by the County, several 30 (b)(6) witnesses,
20 a number of inmate witnesses, and several medical defendants and representatives of corporate
21 medical defendants. Discovery of the medical Defendants cannot begin until after CFMG responds
22 to the First Amended Complaint. In addition, Plaintiffs will need to conduct corporate and financial
23 discovery from the medical corporate defendants, and based on experiences in other cases with
24 these parties, such discovery may entail discovery disputes and motion practice.

1 4. Plaintiffs' counsel's law firm, Haddad & Sherwin LLP, is a small firm with three
2 attorneys, two paralegals, and one support staff. Plaintiffs' counsel will be in trial in *Gonzalez v.*
3 *city of Alameda, et al.*, N.D. Cal. Case No. 4:21-cv-09733-DMR, a complex wrongful death case
4 involving over twenty expert witnesses, beginning on November 6, 2023. On February 6, 2024,
5 Plaintiffs' counsel will try an ADA/wrongful death case, *Atayde v. Napa State Hospital*, E.D. Cal.
6 Case No. 1:16-cv-00398-ADA-SAB. Immediately after the *Atayde* trial, Plaintiffs' counsel and the
7 County Defendants' counsel in this matter will be in trial in *Barbosa v. Shasta County, et al.*, E.D.
8 Cal. 2:20-cv-02298-JAM-DMC, which involves the shooting of a man by a Shasta County Sheriff's
9 Sergeant. The *Barbosa* case is scheduled for trial on March 11, 2024. Due to delays necessitated
10 by Covid-19 shutdowns, Plaintiffs' counsel's trial schedule has become compressed so that they
11 have several trials scheduled in 2023. Plaintiffs' counsel also have 13 other wrongful
12 death/catastrophic injury cases not already listed.

14 5. In addition to the *Barbosa* case listed in Paragraph 4, counsel for the County
15 Defendants currently have the following trials scheduled between the present and July, 2024:
16 *Michaelidis v. City of Los Angeles, et al.*, U.S. Dist. Court – Central District Case No. 2:22-cv
17 05620-MCS-MAA, 10/31/23; *Woodward, et al. v. City of Los Angeles, et al.*, U.S. Dist. Court –
18 Central District Case No. 2:22-cv-01306-GW-JEM, 10/03/23; *Acosta v. City of Redondo Beach, et*
19 *al.*, U.S. Dist. Court – Central District Case No. 2:20-cv-06447 DDP (JPRx), 11/07/23; *Robinson v.*
20 *City of Santa Monica, et al.*, Los Angeles Superior Court Case No. 21STCV22392, 01/22/24;
21 *Motley v. City of Fresno, et al.*, U.S. Dist. Court – Eastern District Case No. 1:15-cv-00905-ADA-
22 BAM, 01/23/24; *Clemons v. City of Santa Monica, et al.*, Los Angeles Superior Court Case No.
23 21STCV23577, 01/29/24; *Zaragoza/Cuevas v. County of Riverside, et al.*, U.S. Dist. Court –
24 Central District Case No. 5:20-CV-01381-JGB-SP, 01/29/24; *Garcia v. City of Azusa, et al.*, U.S.
25 Dist. Court – Central District Case No. CV 22-3457 MWF (JPRx), 02/06/24; *Sampson. v. City of*
26 *Case No.: 2:21-cv-00770-MCE-DMC: STIP. AND ORDER TO MODIFY SCHEDULING ORDER*

1 *Fresno, et al.*, U.S. Dist. Court – Eastern District Case No. 1:20-CV-00322-ADA-SAB, 02/20/24;
2 *Wagner. v. Shasta County, et al.*, Shasta County Superior Court Case No. 194351, 03/05/24;
3 *Crawford v. Nevada County, et al.*, Nevada County Superior Court Case No. CU0000079, 03/19/24;
4 *Woodward v. City of Los Angeles, et al.*, U.S. Dist. Court – Central District Case No. 2:22-cv-
5 01306-GW-JEM, 03/26/24; *Singletary v. City of Santa Monica, et al.*, U.S. Dist. Court – Central
6 District Case No. 2:22-cv-01606-WLH-JEM, 04/02/24; *Rios v. City of Azusa*, U.S. Dist. Court –
7 Central District Case No. CV 22-03968-SPG-RAO, 04/02/24; *Jones v. County of Shasta, et al.*,
8 Shasta Superior Court Case No. 199596, 05/14/23; *Black Lives Matter v. City of Santa Monica, et*
9 *al.*, U.S. Dist. Court – Central District Case No. 2:21-cv-05253-CAS-AFM, 06/04/24; *Arvizu v. City*
10 *of Fresno, et al.*, U.S. Dist. Court – Eastern District Case No. 1:21-cv-00890-ADA-SKO, 06/11/24;
11 *Pena v. City of Azusa*, U.S. Dist. Court – Central District Case No. 2:22-cv-07458-SB-MRW,
12 06/25/24; *EKB-Barber v. City of Azusa*, U.S. Dist. Court – Central District Case No. 2:23-CV-
13 01067 SPG (JDEx), 07/09/24; *Norman. v. City of Beaumont, et al.*, U.S. Dist. Court – Central
14 District Case No. 5:23-cv-00308-DSF-SP, 07/29/24; *A.J.P. v. County of San Bernardino, et al.*, U.S.
15 Dist. Court – Central District Case No. 5:22-CV-01291 SSS (SHKx), 07/29/24. Lead trial counsel
16 for Defendant Shasta County also has a scheduled vacation from April 28, 2024 to May 18, 2024.

17 6. Counsel for the corporate medical defendants have the following trials scheduled
18 between the present and July, 2024: December 4-8, 2023; January 29 – February 1, 2024; February
19 13, 2024; February 20, 2024; March 4-8, 2024; March 12, 2024; March 18-29, 2024; May 10-24,
20 2024; June 25-30, 2024.

21 7. The parties therefore stipulate to an extension of the dates in this matter as follows:
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<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Close of Fact Discovery	November 22, 2023	June 21, 2024
Expert Disclosures due	January 12, 2024	August 9, 2024
Rebuttal Expert Disclosures	February 9, 2024	September 20, 2024
Dispositive Motion filing deadline	April 26, 2024	November 29, 2024
Joint Notice of Trial Readiness (if no dispositive motions)	March 1, 2024	October 31, 2024

For the foregoing reasons, the parties respectfully request that this Court enter an Order modifying the schedule in this case as set forth above.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: September 20, 2023 HADDAD & SHERWIN LLP

/s/ *Michael J. Haddad*

MICHAEL J. HADDAD
Attorneys for Plaintiffs

Dated: September 20, 2023

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP

/s/ *Kayleigh A. Andersen*

MILDRED K. O'LINN
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SHASTA COUNTY; SHERIFF-CORONER TOM
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DAVE KENT; DEPUTIES KIRK SCHRITTER,
DEVIN HURTE, OMAR DIAZ, EMMANUEL
ALCAZAR, ZACHARY JURKIEWICZ, JOSEPH
GRADY, NATHANIAL NEVES, and HECTOR
CORTEZ

1
2 Dated: September 20, 2023

THE LAW OFFICES OF JEROME VARANINI

3 */s/ Jerome M. Varanini*
4

5 JEROME M. VARANINI
6 Attorneys for Defendants
7 WELLPATH INC.; WELLPATH MANAGEMENT,
8 INC.; WELLPATH LLC; TRACY LEWIS, L.M.F.T.;
9 PAM JOHANSEN, L.C.S.W.; and DANIEL
10 DELLWO, P.A

11 IT IS SO ORDERED.
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13 Dated: September 22, 2023
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15 
16 MORRISON C. ENGLAND, JR.
17 SENIOR UNITED STATES DISTRICT JUDGE
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